

REMARKS

Claims 1-21 are pending in the application.

Claims 1-21 were rejected; all rejections are traversed.

Reconsideration of the claims is respectfully requested.

I. CLAIM REJECTIONS -- 35 U.S.C. § 103

Claims 1-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,947,989 to *Gulotta* (hereinafter “Gulotta”). The Applicant respectfully traverses the rejection.

In rejecting claims under 35 U.S.C. § 103(a), the examiner bears the initial burden of establishing a *prima facie* case of obviousness. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). See also *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984)). It is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. (*Id.* at 1073, 5 USPQ2d at 1598). In so doing, the examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), *viz.*, (1) the scope and content of the prior art; (2) the differences between the prior art and the claims at issue; and (3) the level of ordinary skill in the art. In addition to these factual determinations, the examiner must also provide “some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” (*In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir 2006) (cited with approval in *KSR Int’l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007)).

Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. MPEP § 2142, p. 2100-125 (8th ed. rev. 5, August 2006). To establish a *prima facie* case of obviousness, three basic criteria must be met: *Id.* First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

Claim 1 requires **an order services management component**. Gullotta mentions a resource provisioning management (RPM) system may provision a user with "soft" resources, potentially including non-traditional "soft" resources that may include the capability to order products over the Internet.

The Examiner now refers to several other passages of Gullotta:

Further embodiments of the present invention relate to systems and methods for provisioning users based on policies which allow both "soft" and "hard" resources to be provisioned. *Col. 2, lines 41-44.*

...

The resources to be provisioned include "hard" resources as well as "soft" resources. "Soft" resources may include e-mail and voice mail accounts, application programs, databases, files, folders, the Internet, Web pages, organizational Intranets, messages to third parties, digital certificates for enabling the user to access encrypted resources, the capability to order products over the Internet, the ability to order a corporate credit card, access to financial services providers, and the like. In addition, users may be provisioned with "hard" resources such

as telephones, computers, cellular telephones, pagers, personal digital assistants, desks, chairs, file cabinets, other physical components, and the like. In further embodiments, multiple resources may be bundled in one or more groups, such that users may be provisioned with resource bundles. *Col. 3, lines 1-15.*

These passages do not reference a specific component that functions as an order services management component. That is, provisioning services to a user is a function of fulfillment, not ordering.

However, col. 11, lines 6-12 describes “The user applications 110 may include one or more Request Management applications 122 that provide an interface for the user to review and manage change requests pending within the system. A change request is a request to change one or more attributes of a user, or a request to change one or more attributes of a service belonging to that user.”

It is arguable, then, that “user applications 110” may function as an order services management component, and is available to a user.

Claim 1 also requires **a services fulfillment management component**. Gullotta describes user applications that may also include a Policy Management application that provides an interface for defining policies that control the provisioning of services to users. The Examiner refers now to:

The system 10 provides a platform for defining policies and provisioning services to a user interacting with the system, or a user interacting with the network on which the system is operating. The system may designate and track the types of services as well as the types of access to these services for a large number of users. In the generalized examples of FIGS. 1 and 2, the platform system 10 may receive requests for services from user computers. The platform system 10 may also receive information from administrator computers relating to, for example, authorizations of users' requests or changes in users, policies or roles. The platform system 10 may

also provide information to the administrator Web browsers or computers, including, for example, reports on operation and service usage. The platform system 10 may provide requests, instructions, or other information to service providers or managed services computers related to providing services to the users, based on user requests, policies, roles, organizational information, and attributes. The platform system 10 may control access to services, such as data, files, programs or other electronic information from database or storage systems to the users, based on user requests, policies, roles, organizational information, and attributes. *Col. 5, lines 4-26.*

Col. 4, lines 43-46 indicates “The platform system 10 carries out various functions associated with provisioning users with resources based on policies, roles, organizational information, and attributes, as described below.” Col. 8, lines 51-54 indicates “The system 10 in FIGS. 1 and 2 may be used to manage the provisioning of a variety of services or resources to users. A service may be any type of resource that may be accessed one or more times by users of the system.”

While platform system 10 provisions these things *to* users, nothing in these passages indicates that platform system 10 itself is *available to the user*, as required by claim 1. Gullotta describes that “the platform system 10 may receive requests for services from user computers”, but not that the user himself can access platform system 10, as would be required by the claim.

Claim 1 also requires **an assurance management component**. Nothing in Gullotta teaches or suggests an assurance management component as claimed. The Examiner now refers to other passages in Gullotta that still do not teach or suggest this limitation:

As described above, a system according to the FIG. 1 embodiment is deployed in an ASP environment. An ASP may be described as an organization that deploys, hosts and manages access to applications such as software and other resources to multiple parties from a centrally managed facility. The applications are typically delivered

over networks, including, but not limited to the Internet, on a subscription basis. *Col. 5, lines 27-34.*

...

For example, a Customer Administrator may define and manage use of user roles and policies and, thus, may be provided with permission or access rights to the LDAP Directory Server. Thus, a Customer Administrator may define or change users, roles, policies, organization hierarchy or the like. *Col. 6, lines 17-22.*

None of this has anything to do with assurance management. As known to those of skill in the art, assurance management generally refers to a process or system for assuring that a customer or user is receiving the quality of goods or services to which he is entitled. The present application describes a specific type of assurance management, *e.g.*, in paragraph 0046 and elsewhere. This feature is not taught or suggested by Gullotta.

Claim 1 also requires **a financial management component**. Gullotta describes that a managed service can include financial services, but not a financial management component in particular. The Examiner now refers to:

The system 10 may also interface, for example, with a Managed Service 26, as shown in FIG. 1. In preferred embodiments, this interface is Internet capable. A Managed Service 26 may be an application, device or datastore that the system 10 proactively manages. A Managed Service may comprise a network device that has an account maintenance system, such as an RPM system, an operating system, an application (*e.g.*, a human resources (HR) system, enterprise resource planning (ERP) system, etc.), public key infrastructure (PKI) certificates, databases, financial services, and the like. The Managed Service's system may function independently. Thus, the datastore for the system 10 and that of a Managed Service may be synchronized periodically or at defined or irregular intervals, for example, to update the datastore.

The system may also interface, for example, with a Third Party Service Provider 28, as shown in FIG. 1. In preferred embodiments,

this interface is Internet capable. A Third Party Service Provider 28 may be an external organization that provides services that may be provisioned through the system 10. A Third Party Service Provider 28 may be, for example, a credit card service that provides credit cards or credit accounts that are provisioned through the system 10. As another example, a Third Party Service Provider 28 may be a telephone service company that provides telephone line accounts that are provisioned through the system 10. It should be understood that these are merely representative examples. Many other types of services may be provided by a Third Party Service Provider in accordance with further system embodiments. *Col. 7, lines 4-33.*

While system 10 can “interface with” a financial services provider, it does not include a financial management component in particular. System 10 can provision users with “access to” a financial services provider, but does not include a financial management component.

Claim 1 also requires a **business analytics management component**. This is not taught or suggested at all by Gullotta. The Examiner refers to a collection of large portions of Gullotta’s disclosure – and not one of them concerns business analytics management, or that a business analytics management component would be available to a user. These portions, as lengthy as they are, can be reproduced on appeal for the Board’s close analysis.

Finally, claim 1 requires that **all those components be simultaneously available to a user**. Even if some of the other claim limitations were found in Gullotta, they are not taught to be simultaneously available to a user. Where some similar features are taught or argued by the Examiner, some are discussed as available to system administrators, and some are discussed as available to end users, but they are not all taught as available to any individual user. They certainly are not taught as *simultaneously* available to a user, as claimed.

The Examiner's response simply indicates that distributed processing may be used for some of Gullotta's functions, and has nothing at all to do with the availability of various components to a user.

The rejection of claims 1-3 are traversed.

The remaining independent claims similarly require a number of features. Claim 4 requires several limitations regarding a resource inventory, including checking a resource inventory to determine if a system resource that corresponds to the system resource is available to the user, assigning a system resource from the inventory to the user, and updating the resource inventory to indicate that the system resource was assigned to the user.

Gullotta does not teach or suggest an inventory at all. The "RPM system" tracks resources assigned to a user, evidently to be sure that all suitable resources are assigned to the user, but does not function as an inventory (instead, it appears to function more as a checklist). Gullotta clearly cannot teach or suggest the limitations of Claim 4, or similar limitation of claims 10 and 16.

Accordingly, the Applicants respectfully request the Examiner to withdraw the § 103 rejection with respect to these claims.

All rejections are traversed. Other distinctions exist, but the above clearly shows that all claims distinguish over Gullotta.

CONCLUSION

The Applicants have made the arguments set forth above in order to place this Application in condition for allowance.


If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *manderson@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 05-0765.

Respectfully submitted,

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